

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CCI ENVIRONMENTAL, INC., D.W.)
MERTZKE EXCAVATING &)
TRUCKING, INC., GLOBAL)
ENVIRONMENTAL, INC., PREMIER)
DEMOLITION, INC., ADVANCED)
ENVIRONMENTAL SERVICES, INC.,)
)
Plaintiffs,) Case No. 4:19-cv-03099-RWS
v.)
)
CITY OF ST. LOUIS, and ST. LOUIS)
AIRPORT AUTHORITY,)
)
Defendants.)

JOINT RESPONSE TO COURT'S ORDER

COME NOW the parties, by and through their respective counsel, and hereby submit the following response to this Court's order of September 1, 2020 [ECF 42}:

1. Counsel for the parties have conferred about mediation. The parties respectfully represent to the Court that, in their opinion, mediation would not be useful, due to the nature of the issues presented in this cause. The parties have discussed possible alternative resolutions at some length, but without agreement.

2. The new rules of the City of St. Louis regarding its MBE program have been formally approved and become effective October 1, 2020. A copy of said rules is attached hereto as Exhibit A.

3. The plaintiffs may seek certification under the new rules; however, they do not believe the new rules remedy the constitutional and unlawful defect asserted by plaintiffs, and require plaintiffs to submit to unnecessary and time consuming application procedures without

any assurance of certification. Accordingly, the parties request that the Court proceed to a disposition of the cross-motions, allowing the parties to file supplementary memoranda simultaneously within 15 days of this date.

Dated: September 8, 2020

Respectfully submitted,

/s/ Matthew Ghio
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